

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

V.

FIDEL HOLGUIN,

Defendants.

Case No. 08-CR-075-C

## PRELIMINARY ORDER OF FORFEITURE

Based upon the motion of the United States, the entire file in this case, and good cause appearing, the Court finds that:

1. On May 14, 2008, a federal grand jury sitting in Madison, Wisconsin, returned a seven-count indictment against defendant Fidel Holguin. Count 1 charged conspiracy to distribute cocaine. Counts 2 through 6 charged distribution of cocaine. Count 7 charged possession with intent to distribute cocaine. The indictment also contained a forfeiture allegation for the forfeiture of the following items: \$10,695 U.S. currency; 1999 Black Ford Crown Victoria (VIN 2FAFP71W3XX173773); 1990 Tan Lincoln Towne Car (VIN ILNM83F3LY677934); 1976 Tan/Red Cutlass Supreme (VIN 3J57R6R103959); Charbroil Gas/LP Grill, Model #463631706 (New in box); 2-Unit Master Force (Menards) Rolling Tool Chest #1050800.0297 (New); Powermate Impact Wrench #P024-00995P; 3" Pneumatic Cut-off Tool; McCulloch Power Washer #FHH18A; Shopvac 10gal Wet/Dry 3hp Vacuum #86L300; Sanborn 30gal 155 psi Air Compressor #034-0164; Phillips 50" Flat Screen TV, SN: YAIA0730001143; SPL 6.5 2-Way Speaker Set, AS-6520

(New in box); Power Acoustik 7-band Passive Graphic Equalizer, PEQ-70 (New in box); (2) Pyle 6" Rear View Monitors with cameras, PLCM6000 (New in box); (2) Visonik Subwoofer Speaker Box, VBX12A (New in box); Brutus Hifonics 2000 Watt Amplifier, BX12006D (New in box); Ultimate Design LED Tail Light, 25-793SNLED-JDM (New in box); Profile 2-way Cone Speaker, PS-5720 (New in box); Pyle View 15" Flip Down LCD Monitor, PLVWR1542 (New in box); (2) Rockford Fosgate Subwoofers, P3D412 (New in box); Brutus 2000 Watt Amplifier, BXI2008D (New in box); JVC DVD/CD Receiver (car), KD-AVX44 (New in box); (2) Boss Full Range Speakers, RIP4604 (New in box); Brutus Amplifier, BXI1606D; (4) Legacy Amp Hookup Kits, (New in box); VR Power Capacitor, VRPC1000; Sledge Hammer MTX Subwoofer, Thinder 9500 (New in box); Bostitch Nailer, SB1850BN; Black and Decker Cordless Screwdriver, 498788-13#03; Pioneer Primere Speaker, 1200 Watt, TS-W1207D2; and a Sony CD/DVD Player (TV), Model DVP-NS57P, S/N 5127498.

2. On September 4, 2008, the defendant entered a plea of guilty to Count 6 of the indictment pursuant to a written plea agreement. The plea agreement provided that the defendant agree to the forfeiture of all property set forth in the forfeiture allegation of the indictment.

IT IS THEREFORE ORDERED:

1. That based upon Fidel S. Holguin's guilty plea, and pursuant to Title 21, United States Code, Section 853, and Rule 32.2 of the Federal Rules of Criminal Procedure, the defendant forfeits to the United States his right, title, and interest in the following items:

a. \$10,695 U.S. currency; 1999 Black Ford Crown Victoria (VIN 2FAFP71W3XX173773); 1990 Tan Lincoln Towne Car (VIN ILNM83F3LY677934); 1976 Tan/Red Cutlass Supreme (VIN 3J57R6R103959); Charbroil Gas/LP Grill, Model #463631706 (New in box); 2-Unit Master Force (Menards) Rolling Tool Chest #1050800.0297 (New); Powermate Impact Wrench #P024-00995P; 3" Pneumatic Cut-off Tool; McCulloch Power Washer #FHH18A; Shopvac 10gal Wet/Dry 3hp Vacuum #86L300; Sanborn 30gal 155 psi Air Compressor #034-0164; Phillips 50" Flat Screen TV, SN: YAIA0730001143; SPL 6.5 2-Way Speaker Set, AS-6520 (New in box); Power Acoustik 7-band Passive Graphic Equalizer, PEQ-70 (New in box); (2) Pyle 6" Rear View Monitors with cameras, PLCM6000 (New in box); (2) Visonik Subwoofer Speaker Box, VBX12A (New in box); Brutus Hifonics 2000 Watt Amplifier, BX12006D (New in box); Ultimate Design LED Tail Light, 25-793SNLED-JDM (New in box); Profile 2-way Cone Speaker, PS-5720 (New in box); Pyle View 15" Flip Down LCD Monitor, PLVWR1542 (New in box); (2) Rockford Fosgate Subwoofers, P3D412 (New in box); Brutus 2000 Watt Amplifier, BXI2008D (New in box); JVC DVD/CD Receiver (car), KD-AVX44 (New in box); (2) Boss Full Range Speakers, RIP4604 (New in box); Brutus Amplifier, BXI1606D; (4) Legacy Amp Hookup Kits, (New in box); VR Power Capacitor, VRPC1000; Sledge Hammer MTX Subwoofer, Thinder 9500 (New in box); Bostitch Nailer, SB1850BN; Black and Decker Cordless Screwdriver, 498788-13#03; Pioneer Primere Speaker, 1200 Watt, TS-W1207D2; and a Sony CD/DVD Player (TV), Model DVP-NS57P, S/N 5127498.

2. The United States Marshals Service is directed to seize and take custody of the above-referenced property.

3. Pursuant to 21 U.S.C. § 853(n)(1), the United States shall publish notice of the order and of its intent to dispose of property in such a manner as the Attorney General may direct. Any other person, other than the defendant, having or claiming a legal interest in any of the forfeited property must file a petition with the Court within thirty days of final publication notice or receipt of actual notice, whichever is earlier.

a. The petition shall be for a hearing to adjudicate the validity of a petitioner's alleged interest in the forfeited asset, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited asset and any additional facts supporting the petitioner's claim and the relief sought.

b. The United States may also, to the extent practicable, provide direct written notice to any person who has an alleged interest in the forfeited asset, as a substitute for published notice.

4. Upon adjudication of any and all third party interests, this Court will enter a Final Order of Forfeiture, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

ORDERED this 24<sup>th</sup> day of September 2008.

Barbara B. Crabb

BARBARA B. CRABB

Chief United States District Judge